

IN THE UNITED STATES DISTRICT COURT  
OF THE WESTERN DISTRICT OF PENNSYLVANIA

PAUL SHAFFER and  
MARGARET SHAFFER, his wife,  
Plaintiffs,

vs.

T.K.T. METOXIT A.G.;  
T.K.T. METOXIT A.G., INC.;  
SMITH & NEPHEW ORTHOPAEDICS, INC.;  
SMITH & NEPHEW ORTHOPAEDICS;  
SMITH & NEPHEW INC.;  
SMITH & NEPHEW,

Defendants.

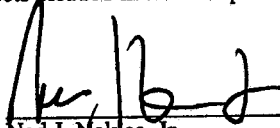
Civil Action No. 04-0468

Chief Judge Ambrose  
Chief Magistrate Judge Caiazza

**STIPULATION OF DISMISSAL WITH PREJUDICE**  
**and ORDER OF COURT**

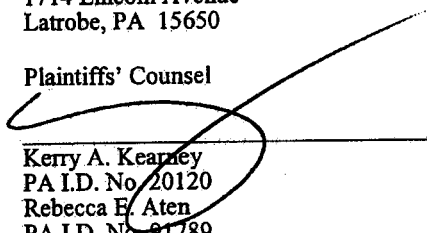
IT IS STIPULATED AND AGREED BY AND BETWEEN the Plaintiffs, Paul Shaffer and Margaret Shaffer, and Defendants, Smith & Nephew Orthopaedics, Inc., Smith & Nephew Orthopaedics, Smith & Nephew Inc., and Smith & Nephew that all claims by Plaintiffs against Defendants are dismissed with prejudice as to the future filing of any additional actions related to the facts pleaded in the Complaint. Counsel signing below represent that they have authority to bind their clients.

Dated: December 2, 2005

  
Ned J. Nakles, Jr.  
PA I.D. No. 36886  
Nakles and Nakles  
1714 Lincoln Avenue  
Latrobe, PA 15650

Plaintiffs' Counsel

Dated: November 2, 2005

  
Kerry A. Kearney  
PA I.D. No. 20120  
Rebecca E. Aten  
PA I.D. No. 91789

REED SMITH LLP  
Firm No. 234  
435 Sixth Avenue  
Pittsburgh, PA 15219-1886  
(412) 288-3046-3842

Smith & Nephew Orthopaedics, Inc.; Smith & Nephew  
Orthopaedics; Smith & Nephew Inc.  
Smith & Nephew Counsel

SO ORDERED:

